

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawaii 96813

March 10, 2006

Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Land Board Members:

SUBJECT: Acceptance of Hearing Officer's Report on Public Hearing for two additions and one removal of Forest Reserve lands on Oahu; and Approval and Recommendation to Governor for the issuance of Executive Orders:
1) Addition of 910 acres to Ewa Forest Reserve, Manana, Ewa District, Oahu; 2) Addition of 2.457 acres to the Waimanalo Forest Reserve and for the Mount Olomana State Monument, Kailua, Koolauapoko District, Oahu; and 3) Removal of approximately 3,000 square feet from Honolulu Watershed Forest Reserve, Honolulu, Honolulu District, Oahu

Background: The following items were previously considered and recommended by the Board of Land and Natural Resources:

1. Board meetings of April 1 and July 8, 2005: Addition of approximately 910 acres to Ewa Forest Reserve, Manana, Ewa District, Oahu. This proposed addition is comprised of two parcels: The first is TMK 9-7-025:002, which is located in the State Land Use Agricultural District and the City and County of Honolulu Land Use Ordinance AG-1 Restricted Agricultural District. The second is TMK 9-7-026:002, which is located in the State Land Use Conservation District and the City and County of Honolulu Land Use Ordinance AG-1 Restricted Agricultural District. The State acquired title to these two formerly privately owned parcels on October 28, 2005. The State obtained funding support for these acquisitions through the U.S. Fish and Wildlife Service's Recovery Land Acquisitions Grant Program in the amount of \$900,000. These lands would be added to the Reserve for the management and protection of native species and ecosystems, watershed and ancillary uses.
2. Board meeting of November 18, 2005: Addition of approximately 2.457 acres to the Waimanalo Forest Reserve and for the Mount Olomana State Monument, Kailua, Koolauapoko District, Oahu. The proposed addition is comprised of TMK 4-2-005:002 which is located in the State Land Use Conservation District and the City and

ITEM C-1

County of Honolulu Land Use Ordinance P-1 Preservation District. This parcel would be added to the Reserve and Monument for conservation purposes, to help preserve visual, cultural and historical aspects of Mount Olomana, and for other ancillary uses. This parcel was acquired by the State of Hawaii on July 15, 1998, through a condemnation action.

3. Board meeting of April 22, 2005: Removal of approximately 3,000 square feet from Honolulu Watershed Forest Reserve, adjacent to Tantalus peak, Honolulu, Honolulu District, Oahu. The proposed removal is a portion of TMK 2-5-019:005, which is located in the State Land Use Conservation District and the City and County of Honolulu Land Use Ordinance P-1 Preservation District. This area would be removed from the Reserve to facilitate subdivision and subsequent lease of the subject land area, for the purpose of siting a telecommunication facility and radio transmission tower. This Board recommendation arose from a Conservation District Use Application filed with DLNR by representatives of Hawaii Public Radio.

In accordance with the Notice of Public Hearing published in the Honolulu Star Bulletin on December 25, 2005, a public hearing was conducted to receive public input on the three items detailed above. An audio tape of the public hearing is available at the office of the Administrator of the Division of Forestry and Wildlife. There were 15 people at the hearing. No testimony was given for either proposed addition to forest reserves on Oahu. Eight people provided oral testimony, and two additional people provided both oral and written testimony in favor of the removal of lands from Honolulu Watershed Forest Reserve for the proposed telecommunications site. These testimonies are presented in the minutes of the public hearing (Attachment A).

RECOMMENDATIONS

That the Board of Land and Natural Resources:

1. Accept the Hearing Officer's report and minutes of the public hearing.
2. Approve of and recommend to the Governor the issuance of executive orders for the following actions:
 - a. Addition of approximately 910 acres to Ewa Forest Reserve, Manana, Ewa District, Oahu, Tax Map Keys 9-7-025:002 and TMK 9-7-026:002.
 - b. Addition of approximately 2.457 acres to the Waimanalo Forest Reserve and for the Mount Olomana State Monument, Kailua, Koolaupoko District, Oahu, Tax Map Key 4-2-005:002.

- c. Removal of approximately 3,000 square feet from Honolulu Watershed Forest Reserve, adjacent to Tantalus peak, Honolulu, Honolulu District, Oahu, portion of Tax Map Key 2-5-019:005.

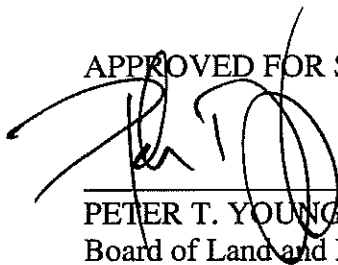
Respectfully submitted,



PAUL J. CONRY
Administrator

Attachment

APPROVED FOR SUBMITTAL:



PETER T. YOUNG, Chairperson
Board of Land and Natural Resources

HEARING OFFICER'S REPORT AND MINUTES OF:

Public Hearing for Two Proposed Additions and One Proposed Removal of Government Lands from Forest Reserves on the Island of Oahu Kalanimoku Building Room 132, 1151 Punchbowl Street, Honolulu

January 9, 2006

SUMMARY OF TESTIMONIES RECEIVED

Written testimonies are kept on file in the Division of Forestry and Wildlife for public review.

1. Donald Clegg, Introduced testifiers for Hawaii Public Radio
2. Richard Clifton, (oral testimony), Chairman of the Board – Hawaii Public Radio, testimony in support.
3. Juli Walters, (oral testimony), Member of the Board – Hawaii Public Radio, testimony in support.
4. Jeff Ashmore, (oral testimony), Member of the Board – Hawaii Public Radio, testimony in support.
5. Walt Wrzesniewski, (oral testimony), Oahu resident, testimony in support.
6. Andrew K. Baker, (oral testimony), Oahu resident, testimony in support.
7. Phil Kinnicut, (written & oral testimony), Windward Oahu resident, testimony in support.
8. Carol Kellett, (oral testimony), Oahu resident, testimony in support.
9. Dr. Linus Pauling Jr., (written & oral testimony), Tantalus resident, testimony in support.
10. Steve Bartlett, (oral testimony), Oahu resident, testimony in support.
11. Dr. Konrad Hayashi, (oral testimony), Oahu resident, testimony in support.

I. INTRODUCTION

A. Opening

1. It is now 6:36 p.m., and this Public Hearing is called to order.
2. This is a formal Public Hearing hosted by the Department of Land and Natural Resources (DLNR) regarding proposed additions and removals of government lands from forest reserves on the island of Oahu.
3. My name is Earl Pawn and I am the Oahu Forestry Manager with the Division of Forestry and Wildlife (DOFAW) of the State DLNR.
4. The Chairperson of DLNR has appointed me to function as the Hearings Officer of this public hearing.

5. As a reminder, I hope you have all signed in. If not, please do so on one of the two sign-in sheets provided so we will have a complete record of the persons attending this hearing. One sign-in sheet is for those not providing testimony. The second sheet is for those who wish to present testimony on the proposed forest reserve additions or removals. Please print your name on the testimony sheet and indicate which forest reserve item or items you wish to provide testimony on. Testimony will be taken separately for each of the three items on this evenings' agenda – for each item testifiers will be called by name in the order listed on the signup sheet.

B. Purpose

The purpose of this hearing is to provide the public the opportunity to present comments on two proposed additions and one proposed removal of government lands from forest reserves on the Island of Oahu

C. Staff Present & Others

1. At this time, I would like to introduce members of DLNR staff. With me are Cecil Santos of the Land Division, and DOFAW Administrative Staff including Service Forster Lisa Ferentinos and Forestry Program Manager Michael Constantinides who will serve as recorder at this hearing.
2. The following eight persons signed the attendance sheets: Richard Clifton, Juli Walters, Jeff Ashmore, Walt Wrzesniewski, Andrew K. Baker, Phil Kinnicut, Carol Kellett, Dr. Linus Pauling Jr., Steve Bartlett, Dr. Konrad Hayashi, Joseph Francher, Michael Titerton, Valerie Lee and Cecil Santos.

II. APPROVALS AND NOTICES OF PUBLIC HEARING

- A. Approval to hold this public hearing on the proposed forest reserve additions and removal were obtained from the Chairperson of DLNR November 28, 2005.
- B. Notice of this public hearing appeared on December 25, 2005 in the Sunday edition of the Honolulu Star Bulletin.

III. PROCEDURES DURING HEARING

A. Conduct of Hearing will proceed as follows:

1. After the informational presentation public testimony will be invited.
2. After all persons have presented their testimonies, I will open the floor to anyone else who wishes to speak.

3. Please keep your statements short and on the subject to allow others an opportunity to testify.
4. Please raise your hand to be recognized, if you have a question or comment on the proposed forest reserve changes, and the floor is open.
5. When given the floor, please present your name and comments clearly. We ask that you do this because we are trying to carefully record the hearing to prepare accurate minutes.
6. I would also like to remind everyone that this is not a courtroom or adversarial type of proceeding, but a public hearing to gather testimonies. Thus, cross-examination, or party-to-party rebuttals will not be allowed.
7. If you have a question, please direct your questions to me, and I will either answer the question or re-direct the question to the appropriate person.
8. We will not allow any person-to-person arguments. We expect that there will be differing opinions and we respect them. We want to hear your opinions so we can understand everyone's concerns.

IV. DOFAW PRESENTATION

A. The following items were considered and recommended by the Board of Land and Natural Resources:

1. Board meetings of April 1 and July 8, 2005: Addition of approximately 910 acres to Ewa Forest Reserve, Manana, Ewa District, Oahu. This proposed addition is comprised of two parcels: The first is TMK 9-7-025:002 which is located in the State Land Use Agricultural District and the City and County of Honolulu Land Use Ordinance AG-1 Restricted Agricultural District. The second is TMK 9-7-026:002 which is located in the State Land Use Conservation District and the City and County of Honolulu Land Use Ordinance AG-1 Restricted Agricultural District. The State acquired title to these two formerly privately owned parcels on October 28, 2005. The State is seeking funding support for these acquisitions through the U.S. Fish and Wildlife Service's Recovery Land Acquisitions Grant Program in the amount of \$900,000. These lands would be added to the Reserve for the purposes of protecting native species, ecosystems, watershed and ancillary uses.
2. Board meeting of November 18, 2005: Addition of approximately 2.457 acres to the Waimanalo Forest Reserve and for the Mount Olomana State Monument, Kailua, Koolaupoko District, Oahu. The proposed addition is comprised of TMK 4-2-005:002 which is located in the State Land Use Conservation District and the City and County of Honolulu Land Use Ordinance P-1 Preservation District. This parcel would be added to the Reserve and Monument for conservation purposes, to help preserve visual, cultural

and historical aspects of Mount Olomana, and for other ancillary uses. This parcel was acquired by the State of Hawaii on July 15, 1998, through a condemnation action.

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V. TESTIMONY ON PROPOSED FOREST RESERVE CHANGES

A. Public Input

1. Now that I have reviewed what is being proposed, we request your comments.
2. Those who signed in to provide testimony will be called upon by proposed item and then in the order listed on the sign-in sheet.
3. Please state your name, if you are an individual or representing an organization, and present your testimony.

B. List of Testifiers

Donald Clegg, Richard Clifton, Juli Walters, Jeff Ashmore, Walt Wrzesniewski, Andrew K. Baker, Phil Kinnicut, Carol Kellett, Dr. Linus Pauling Jr., Steve Bartlett and Dr. Konrad Hayashi.

C. Testimony

Donald Clegg: Good evening, my name is Don Clegg and I'm the agent for HPR associated with the removal of this property to develop and construct a necessary transmission tower. There are number of people here who are very strongly interested in this program, this project and would like to give you their public views on it. So, enough from me, let's hear from them.

Richard Clifton (oral testimony in support): Good evening, my name is Richard Clifton, I'm currently Chairman of the Board of HPR. I'm also a resident of the affected ridge, [having] the honor of a dwelling on Makiki Heights Drive and have been for ten years. I regularly walk and hike through the area of the subject parcel. I appeared before the Board at its meeting last April, prior to becoming Chairman again. But, I'm here to reaffirm the position I took then which is that the proposed deletion of this portion of the parcel and the proposed subsequent lease of that property to HPR is clearly in the public interest. And I'm prepared to speak to that in greater detail but rather than waste your time I'll incorporate by reference the testimony I offered to the Land Board last April.

Juli Walters (oral testimony in support): My name is Juli Kimura Walters. I am testifying as a landscape architect and as a resident of Tantalus for the past 35 years. My testimony is in favor of taking the proposed HPR transmitter site out of the Forest Reserve on Tantalus. The Board of the DLNR has wisely approved HPR's request to relocate its antenna to the Tantalus site and the removal of the site from the Forest Reserve is the next step in the process of acquiring the site for HPR's use. Unfortunately with the existing transmitter site all of Windward Oahu, all of Hawaii Kai and many of the valleys are unable to receive KIPO which is HPR's news and information channel. Relocation of the antenna to the proposed site will allow most of these areas to receive both of HPR's stations. As a landscape architect and land planner I am convinced that these 3000 sq. ft. will have a minimal impact on its effectiveness. As indicated in the EA report, the main structure of the proposed tower will be well below the elevation of the existing Hawaiian Telecomm tower and it will be screened by existing topography as well as vegetation. I sincerely hope that you will approve the removal of this site from the forest reserve so that the relocation of HPR's tower and transmitter can proceed

Jeff Ashmore (oral testimony in support): My name is Jeff Ashmore. I am a resident of Makakilo and travel the island throughout the Windward side and the Leeward side and Central on a regular basis. I've been a KIPO listener and HPR board member for 20 plus years and for this entire period the island has had only restricted access to this one-of-a-kind programming for one reason or another. I implore the board to please approve the proposed site as soon as possible so that the entire island can get the benefit of this valuable programming. Thank you.

Walt Wrzesniewski (oral testimony in support): Aloha ahi ahi, My name is Walt Wrzesniewski I live in Kahaluu and I'm here just as a member of the public. I am here to strongly support the removal of the land for the use as stated. And the reason is because I personally feel it's very important in the public interest. I can give you some examples. There is a show on KIPO called Think Tech Hawaii. It's a local show, it's a local host, it's produced here. It has a far reach all the way to China and Siberia and everything else. Just about a week ago or so there was a show about China. About the economics there. About the impact on Hawaii. I don't know if anyone else is reporting this kind of stuff. It's really interesting and I think it's important for people to know. And I'm glad that KIPO is doing that. A few weeks before that there was a show about the bird flu pandemic. I'm not a stupid person but I had heard so many different reports. It was confusing. This one show really cleared me. They had a blue ribbon panel of experts on there. Both local people and people around who could actually speak about the bird flu possible pandemic. Talk about public interest. Here is critical information. I was reading recently that the DLNR was talking about a ranger program. This would be like a citizen's watch that would report the use of cultural and environmental sites. I don't know, whoever listens to this testimony, they won't see that I am in a Coast Guard uniform. I just came from work. I don't represent the Coast Guard here. Like I said, I represent the public but there are many Coast Guard leaders who support public radio. When I heard about this ranger program, it really resonated because we need the same help. You know we've got 40,000 people spread around the world and if people aren't calling us and telling us about environmental problems, especially about water pollution and so forth, we never know about that. I thought about that about the ranger program and what do you need to get this off the ground in Hawaii. You need marketing, you need public information. People have to know that this is important for them, for their

children. And I saw today in the announcement that was made that you're asking for a million dollar budget, just in public education. Well, here we are at this meeting here. This is a convergence. You've got a need, a public need, and you've got a public radio station that expresses those needs, that explains those needs that helps the public understand why these things are important and tells the public what to do. I can't think of a better partnership. HPR has environmental reporters, Sunny Lewis. I don't think anyone else in TV or radio has an environmental reporter here. So to make this a little bit shorter, Peter Young recently spoke about individual and shared responsibility in an interview on HPR. And I certainly agree with him, this is a good partnership. I don't know how anyone else might have heard that view. As a citizen I see having a local news team, local environmental reporting and culture as very valuable. I see that it is in the public interest. And lastly just last week I was working on some disaster plan for the Coast Guard in the wake of Hurricanes Katrina and Rita. The Coast Guard got a lot of good press. We also learned a lot of lessons and we're working on plans throughout the Pacific for next time a hurricane hits, not only the Gulf Coast but the Pacific as well. One of the things we saw was that a key to a successful part of the evacuation and public information were the public radio stations in the Gulf Coast. They apparently were the last stations to go off the air. They were feeding information to the citizens. I hope another hurricane never hits Hawaii but it's probably going to happen. And if that kind of thing does happen we want to have a public radio station with the best signal, with the most accessible signal possible. And that's one of the main reasons I came here tonight because I think that this will do that. Thank you.

Andrew K. Baker (oral testimony in support): Good evening, My name is Andrew K. Baker. I am a 26 year resident of Kailua and I'd like to reference my earlier written testimony from April of 2005 with regard to the proposal that is before you and in my earlier written testimony I expressed my desire to be able to hear KIPO on a regular basis on my radio waves rather than having to rely on the internet. I jokingly referenced that unfortunately my internet connection to HPR doesn't work and I have to rely on a public radio station out of Boise Idaho. I jokingly said, that constantly reminds me why I live in Hawaii and not the frozen tundra of Idaho. I would urge the Board to adopt the proposal that is before you. I think the overwhelming testimony has been in favor of supporting this proposal and the benefits to the public at large would be greatly enhanced. Public communication with HPR and the programming that it provides is certainly in the public interest and I hope the Board adopts the proposal that is before you. Thank you.

Philip H. Kinnicutt (written & oral testimonies in support): Thank you my name is Philip Kinnicutt and I live in Kailua. Thank you for the opportunity to provide testimony. I'm an avid conservationist, I'm an avid fisherman and I'm also an avid fan of Hawai'i Public Radio and have been since the day it first went on the air many years ago. I am old enough to remember the struggles that many people went through to get the first public radio station on the air here in Hawai'i. My primary reason for keeping KHPR and KIPO in the number one and two pre-set positions on my car radio and in my in-home audio system, is HPR's comprehensive local, national and international news coverage. I know there are literally thousands of other listeners on Oahu and throughout the State of Hawai'i who feel the same way I do. Hawai'i Public Radio's news and public affairs programming is unique. No other radio station in Hawai'i even comes close. The problem is, as has been mentioned by several other people providing testimony, that there are several areas on Oahu that can't get the KIPO signal and Kailua is certainly one of them. News and information is vitally important to the safety of our society and is particularly

critical in times of crisis. I feel it would definitely be in the public interest to allow HPR to relocate its antenna as requested in such a way that the KIPO signal would be able to be heard by a larger segment of the population. Thank you very much.

Carol Kellett (oral testimony in support): Good evening, my name is Carol Kellett, I am a member of public radio but I am also a librarian here at the University of Hawaii and have been a resident of Kaneohe for the past 36 years. I can reiterate the lack of signal that we have from the current KIPO. I urge the approval of it. HPR provides a unique public service to Hawaii by broadcasting local, and national, and international news, information and entertainment programming. Some of my favorite shows are Think Tech Hawaii which is ... I am kind of geek at heart so I love that show. Talk of the Islands provides unfettered coverage to local news events. Jazz with Don Gordon provides the only jazz shows that you'll ever hear. Commercial radio they just don't play jazz because they don't see the need to broadcast that kind of programming. KIPO also airs award winning programs such as Fresh Air with Terry Gross and Marketplace, Splendid Table. For anyone who loves food it's a wonderful program. But, this, by granting the approval to remove the lands it'll provide KIPO with the ability to provide improved reception throughout Oahu and for the first time it'll be able to provide the radio coverage, over the airwaves, to the neighbor islands. It'll reach people on Kauai, Molokai, and Maui, Lanai, and as far as the Big Island. It will also give HPR the ability to meet the national public radio's mission, to create a more informed public, one that is challenged and invigorated by a deeper understanding and appreciation of events, ideas and issues. Thank you very much for allowing me to provide testimony this evening.

Linus Pauling Jr. (written & oral testimonies in support): My name is Linus Pauling, Jr. I am writing in support of removal of 3,000 square feet from Honolulu Watershed Forest Reserve. I have been a resident of Tantalus for 50 years and a member and supporter of Hawaii Public Radio since its inception. Normally I would object to removal of Watershed Forest Reserve, but in this specific case removal is clearly in the public interest. Thank you.

Steve Bartlett (oral testimony in support): Hau'oli Makahiki Hou. My name is Steve Bartlett. I'm a businessman here in Honolulu. Many of us would agree I think that nothing is more important to the successful front trimming of a democracy than informed and politically akamai electorate. HPR through its KIPO station provides a steady stream of high quality information and commentary, as we heard several people testify this evening quite eloquently, I think. And it's from a non-commercial radio programming. This valuable contribution to the life of our island community is available to less than 50% of Oahu's population, I am told. This would not represent a net disadvantage to the community if there were another station beaming equally substantial in-depth programming to all or most of Oahu but there is not, not even close. I am told that this information deficit can be redressed by repositioning the KIPO broadcast facility as proposed so that nearly 100% of us on Oahu can tune in. Please clear the way for this to be done. Thank you for this opportunity to support a community asset that I believe to be of immense value to us all. Thank you very much.

D. Late Testimonies

1. Anyone wishing to provide testimony and who was not on the sign up sheet is now requested to identify themselves and present testimony.

Konrad Hayashi (oral testimony in support): Good evening, my name is Konrad Hayashi and I'm speaking as a private citizen. I'd certainly like to testify in favor of the proposal for the removal of this unique parcel really as an issue of public safety as well as public information [unintelligible] public democracy. I happen to be a public health and tropical medicine physician. Worked somewhat extensively in terms of areas of avian influenza preparedness, HIV. Worked in terms of a lot of the planning and response to the tsunami that we had in Indonesia. And really KIPO is such a vital resource. They do a better job than any of the commercial stations that are out there because they are member supported. And they provide an excellent job of going in-depth and providing information on those things that are going to support the public safety whether it be issues of health or commerce or telecommunications or emergency response I've found that universally they have become my default station on the radio dial very much for that reason. I have sort of a selfish reason to want to hear them as well because I lose their signal when I'm on my way up to Camp Smith and my wife [unintelligible] who is down working at Queen's. This is an item that isn't going to have a lot of impact on the local community. I took the liberty of doing some satellite imagery today in checking out the overall area and it doesn't look like it would be an area that would have much of a problem and as someone who has looked at public health issues as far as radio waves and signal and so forth it has no impact of any sort in terms of a public safety downside. I urge you in terms of the public interest for supporting this transition this parcel and I appreciate you having this hearing this evening. Thank you.

2. Should anyone wish to offer additional testimonies, we will accept written testimonies until Tuesday, January 24, 2006. Please send written testimony to:

Mr. Peter T. Young, Chairperson
Board of Land and Natural Resources
c/o Division of Forestry and Wildlife
1151 Punchbowl Street Room 325
Honolulu, Hawaii 96813

VI. SUMMARY OF FUTURE PROCESSES

1. After compiling your comments and other testimonies received through January 24, 2006, DOFAW will present a summary of public testimony, staff analyses and recommendations for further actions to the Board of Land and Natural Resources.
2. The Board will decide whether to proceed with or change their previous recommendation for each of the three items. Should the Board opt to proceed with the current recommendations, DLNR will send the items to the Governor for final approval via Executive Order.

3. Assuming the Governor signs the Executive Orders, the lands would be formally added to or removed from Government Forest Reserve status as appropriate. In the case of potential additions at Ewa and Waimanalo Forest Reserves, DOFAW would assume primary responsibility for the management and stewardship of the subject lands. In the case of the potential removal of lands at Tantalus, Honolulu Watershed Reserve, the Land Division would assume management responsibility of the lands and would be responsible for any future actions or disposition of that land.
4. Are there any questions regarding these three forest reserve items?

There were no questions.

VII. CLOSING COMMENTS AND ADJOURNMENT

1. On behalf of the Board of Land and Natural Resources and the Division of Forestry and Wildlife, thank you for attending this public hearing.
2. The public hearing was adjourned at 7:07 p.m.

Minutes prepared and respectfully submitted by Michael Constantinides and Lisa Ferentinos.

